

FILED

JAN 17 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
JAMIE BYRNE, R.N.	:	
License No. 26NR14486500	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jamie Byrne ("Respondent") is licensed as a registered professional nurse in the State of New Jersey and has been a licensee at all relevant times.

2. On or around April 7, 2011, Respondent completed an online biennial license renewal application which asked "Will you have completed the required continuing education credits by May 31, 2011," referring to the thirty hours of continuing education required during the June 1, 2009 - May 31, 2011 biennial period. Respondent answered "yes" and certified that answer to be true by submitting the online application.

3. On or around May 29, 2013, the Board sent Respondent a demand for written statement under oath requesting certain information from Respondent including certificates of completion of all credits earned during the renewal period of June 1, 2009 - May 31, 2011.

4. Respondent replied, but failed to include any certificates of completion of continuing education. Respondent maintained that her former employer had a list of courses which Respondent completed.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed any continuing education required for the June 1, 2009 - May 31, 2011 biennial renewal

period. Respondent's failure to complete 30 hours of continuing education during the June 1, 2009 - May 31, 2011 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2011 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, when she did not complete the required continuing education, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing a reprimand, a two hundred and fifty dollar (\$250) civil penalty and suspending Respondent's license was entered on October 7, 2013. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and

all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely responded to the Provisional Order of Discipline by providing certificates of completion for 90 hours of continuing education completed in October 2013: 30 to cure the deficiency of the June 1, 2009 - May 31, 2011 biennial period; 30 to cure the deficiency of the June 1, 2011 - May 31, 2013 biennial period; and 30 to satisfy the current period of June 1, 2013 to May 31 2015. Respondent maintained that she was under the impression that all classes completed at her place of employment, including in-service training, counted as continuing education. Respondent further maintained that she was unable to obtain copies of the certificates of completion from the provider.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent demonstrated that she is now current with her continuing education requirements, the Board

determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to demonstrate that she timely completed the required continuing education warrants imposition of a two hundred dollar (\$200) civil penalty. Similarly, Respondent's failure to demonstrate that she timely completed the continuing education when she certified on her renewal application that she had done so warrants imposition of a reprimand for providing a false answer.

ACCORDINGLY, IT IS on this 17th day of Jan., 2014,
ORDERED that:

1. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed upon Respondent for failing to timely complete her continuing education requirements. The Board acknowledges receipt of an official bank check in the amount of two hundred and fifty dollars (\$250) from Respondent and shall process same as payment of the civil penalty.

2. Respondent is hereby reprimanded for her violation of N.J.S.A. 45:1-21 (b).

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APRN, FAAN
Patricia Murphy, PhD, APN
Board President